



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
Regular Session
Date: SEPTEMBER 8, 2003

AGENDA:

7:30 p.m. – Roll Call

PRELIMINARY:

1. **ABSTRACT PROPERTIES LLC (RICHARD PALTRIDGE) (#03-42)** Request for existing 6 ft. fence to project nearer the street than the principal building on Rt. 207 (3-1-25)

PUBLIC HEARINGS:

2. **ARMANDO & JEAN PALIOTTA (#03-35)** Request for:
22 ft. 6 in. Rear Yard Setback for existing attached pool deck
11 ft. Side Yard Setback for existing shed
All at 9 Guernsey Drive in a **CL zone (78-11-9.1)**
3. **KENNETH & MAUREEN SMITH (#03-37)** Request for 11 ft. Rear Yard Setback for proposed deck at 9 Cresthaven Drive in an **R-4 zone (39-2-21)**
4. **JOSEPH & JO-ANNE DeCELESTINO (#03-41)** Request for:
28 ft. Rear Yard Setback for existing pool deck and;
9.5 ft. Side Yard Setback for existing shed
All at 14 Cheddar Lane on a Corner Lot in a **CL zone (78-3-11)**
5. **MURPHY, WILLIAM (#03-38)** Request for 23 ft. Rear Yard Setback for proposed deck and request for 8 ft. Side Yard Setback for existing shed at 434 Philo Street in an **R-4 zone (73-7-20)**
6. **HIGHVIEW ESTATES OF O.C. (#03-40)** Request for use variance to permit single family dwelling at Rt. 207 & Kings Road in an **OLI zone (32-1-23.2)**

FORMAL DECISIONS:

Dale Clark – 03-22
Carmen Monaco – 02-60
Lucy Gillmeier – 03-17
Jeffrey Stringer – 03-21
Robert McKnight – 03-27

Jesus & Josefa Hernandez – 03-23
Plympton House(Kronner) - 02-59
William Farrell – 03-20
Jean Lewis – 02-24
Eugene Scarano – 03-25

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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

SEPTEMBER 8, 2003

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
LEN MCDONALD
MICHAEL REIS
STEPHEN RIVERA
JOSEPH MINUTA

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

REGULAR MEETING

MR. KANE: I'd like to call to order the September 8, 2003 meeting of the Town of New Windsor Zoning Board of Appeals.

APPROVAL OF MINTUES

MR. KANE: We have no minutes to read so we'll move right into the preliminary hearings.

PRELIMINARY HEARINGS:

ABSTRACT PROPERTIES LLC (RICHARD PALTRIDGE) (#03-42)

Mr. Richard Paltridge and Mr. Paul Cuomo appeared before the board for this proposal.

MR. PALTRIDGE: I own Sunset Strip Entertainment in New Windsor last five years and I purchased the property July 29, from the Stubbs family so I'm now the property owner at the Mt. Airy Trailer Park where the building exists and the club itself. When I purchased the property, prior to purchasing it, there was a lot of outstanding building permits that never had gotten C.O.s and I hired Paul to go over all the C.O.s and get them all cleared away through the Stubbs and James Stubbs fixed all the back building permits and was reissued C.O.s for all of the old building permits. So then I proceeded through because of Supervisor Meyers talked to me in the past about privatizing property a little bit because of a new development right behind us, school buses going around, trying to keep the surroundings enclosed. Approximately three years ago, I slatted portions of the fence but the fence along Mt. Airy Road was in disarray, broken up and Stubbs didn't want to spend the money to help fix the fence. After I, after, before closing, Paul issued an engineer's report to the building department and we were given C.O.s on the fence, so we went ahead with the closing on the property. After the closing, then I wanted to fix the side of the fence because that's what Mr. Meyers basically talked to me about, so we went ahead and hired Ketcham Fence to repair the damaged fence and put the privatizing slats. Prior to them starting work, we, I went down to the building department to ask the building department if I needed a building permit and I talked to Mr. Frank Lisi on the 11th of August and basically, he told me all I needed to do is tell him what I was going to actually do, fixing the fence, tell me what you're going to do and you'll be okay and

there won't be a problem because the fence is already there.

MR. KANE: Was there a C.O. already issued on the fence?

MR. PALTRIDGE: Yes, on July 11, 2003, the C.O. was issued.

MR. CUOMO: There was a building permit on the fence, it was granted on, got a building permit 6179 for a 6 foot chain link fence, this was 1993.

MR. KANE: Was that building permit ever closed out?

MR. CUOMO: Yeah, I closed it out.

MR. KANE: So you got the C.O.?

MR. PALTRIDGE: Right before I purchased the property I close it out. Basically, afterwards, I submitted the paperwork and we got a rejection because it was the actual wording was that the 6 foot fence shall not project nearer to the street than the principle building. The problem I have is my building sits on a corner, I have two front lots and my main front lot I consider my front lot is 207, that's my entrance, there's an entranceway going onto Mt. Airy Road but it's where the fence gate that we keep shut.

MR. MC DONALD: Where is Mt. Airy Road?

MR. PALTRIDGE: Maybe it's not called Mt. Airy.

MR. BABCOCK: Browns Road.

MR. PALTRIDGE: I'm sorry, I'm not really familiar with it.

MR. CUOMO: We'll show you on the map.

MR. MC DONALD: I've got it, I know where he's at now.

MR. PALTRIDGE: So we proceeded to, we had to, scheduled to repair the fence, my original map showed there was a fence along the property line from 1996, so we already have things scheduled. They're way backed up, we finished the fence, slatted it, and now we're here to get approval. Basically, my concern with my property I'm a new property owner there and it hasn't been maintained a lot of years very well, I've got a good background to keep things pretty straight, I'm pretty well liked with the police department, keep things straight, every community, no one wants these kinds of businesses in their community, but I'm the type of guy if I have it, I'm an okay guy, I run it right, keep a low profile, do things for the community, keep it as close knit as I can so I'm asking for approval on the fence because I think it's helping the community.

MR. KANE: The way we do it in New Windsor you have a preliminary hearing so you give an idea of what you want to do and you can get an idea of what we need and by law, everything is done by a public hearing. So if these guys want to, they'll set you up for a public hearing and we'll go back, actually do the same thing over again. Michael, if they have a permit and a C.O. for the fence, why are they here?

MR. BABCOCK: Apparently, when he came back in, talked to my office about the fence and putting the slats in and if he needed a permit, research found out that it was closer to the property line than or to the road than the building and we suggested to clear it up and make it legal that he come and get a variance.

MR. KANE: So we're, that base was never covered?

MR. BABCOCK: That's correct, there was a mistake made.

MR. RIVERA: How much closer to the road is it going to be?

MR. PALTRIDGE: I have a picture.

MR. RIVERA: Distance wise?

MR. PALTRIDGE: Thirty-one feet from the center.

MR. KANE: The fencing itself if you're driving down either road, you don't block any vision for traffic?

MR. PALTRIDGE: No, it sets behind the telephone poles on the road, the fence has been finished, slatted in.

MR. KANE: That's a 6 foot fence all the way around?

MR. PALTRIDGE: It's not all the way around, it's three sides.

MR. KANE: Six foot on all three sides.

MR. PALTRIDGE: This is actually a picture here and you can see a car going by and we were concerned about the development and the school buses going by.

MR. KANE: Gentlemen?

MR. MC DONALD: I have no questions.

MR. RIVERA: No questions.

MR. MC DONALD: Accept a motion?

MR. KANE: Yes, I'll accept a motion.

MR. MC DONALD: Make a motion we set up the Abstract Properties for a public hearing on their request for the 6 foot fence that projects nearer to the road than

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the principle building.

MR. REIS: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

PUBLIC HEARINGS:

ARMANDO & JEAN PALIOTTA (#03-35)

Mr. and Mrs. Armando Paliotta appeared before the board for this proposal.

MR. KANE: Request for 22 ft. 6 in. rear yard setback for existing attached pool deck, 11 ft. side yard setback for existing shed all at 9 Guernsey Drive in a CL zone. Okay, tell us what you want to do.

MRS. PALIOTTA: We were here for the preliminary meeting which I believe was last month, we're looking for a variance from the town on our deck, actually the pool deck and a shed.

MR. PALIOTTA: We have, it was explained last time we have a corner, nice piece of land, but it's a corner property and it forced me to, you know, ask for a variance.

MR. KANE: So on a corner piece of property you have two front yards?

MRS. PALIOTTA: Exactly.

MR. KANE: How long has the deck been existing?

MR. PALIOTTA: I'm just guessing, seems like for like 10 to 12 years, I'm not sure.

MR. KANE: What about the existing shed?

MR. PALIOTTA: The shed's kind of new, me and my wife are debating, she says a few years, I'm saying five years, we've got to write stuff down.

MR. KANE: She's always right.

MR. KRIEGER: How long have you owned the property?

MRS. PALIOTTA: Sixteen years, I think.

MR. PALIOTTA: Eighteen years. There we go.

MR. KANE: She's always right.

MR. KRIEGER: Is the pool built during the time you owned the property or was it there when you acquired it?

MR. PALIOTTA: It was a brand new house, yes.

MR. KANE: Create any water hazards or runoffs in the building of the deck?

MR. PALIOTTA: No, not at all.

MR. MC DONALD: Doesn't go over any kind of easements or anything like that, water or sewer?

MR. PALIOTTA: No, we sit up high on the corner and we have like a 45 degree angle all the way down.

MR. KANE: Cutting down of any trees or substantial vegetation to create either one?

MR. PALIOTTA: I placed very expensive trees around the whole perimeter of the back so like neighbors and for our privacy.

MR. KANE: But you didn't cut anything down?

MR. PALIOTTA: No, no.

MR. KANE: A lot of little bases we have to cover.

MR. MC DONALD: Never had any complaints about the deck or anything?

MR. PALIOTTA: No.

MRS. PALIOTTA: Absolutely not.

MR. PALIOTTA: I enclosed pictures to show the privacy, you can't see it from the street or, you know, the neighbors have a hard time seeing it too.

MR. KANE: Shed itself is similar in size to other sheds?

MR. PALIOTTA: Yes, standard shed 8 x 12.

MR. REIS: What brings you to the ZBA after these many years?

MRS. PALIOTTA: We're in the process of selling our home and yeah, you know, obviously years ago no one told us that we needed one and we asked advice obviously to the wrong people, especially the people that put the deck together, not realizing that we'd need a permit.

MR. PALIOTTA: The person putting on the deck he had a small construction company and we were from Long Island and he told us that as long as it wasn't attached to the house because I wanted it like right near the back of the house, like one step up from the other deck and he says as long as it's freestanding, not actually attached to the house you don't need permits, it's a freestanding, so I said that's good.

MR. KANE: I built my deck at 10 and I found out my development is 12 so we all go through it. At this point, I will ask if there's, I will open up the public portion and ask if anybody in the audience is here for this particular meeting? Seeing nobody, we'll close the public portion and ask about the mailings.

MS. MASON: On August 19, 2003, 67 addressed envelopes containing the public hearing notice were mailed out.

MR. REIS: Any responses?

MS. MASON: No, no responses.

MR. KANE: Bring you back to the board. Gentlemen, any further questions?

MR. REIS: Accept a motion, Mr. Chairman?

MR. KANE: Is there any reason the shed has been there for five to six years, is there any reason the shed couldn't be moved?

MR. PALIOTTA: I'm sorry? No, the shed was, the shed was in a great place, the shed was like a third car garage like near the driveway and then it was explained to me that even if I went for the variance there which was further from my neighbor's property, they said I was breaking a State, a new State regulation where it had to be 6 feet from my house, so I couldn't leave it where it always was, it was always in violation.

MR. KANE: So no matter where you moved it to a degree you would run into a problem?

MR. PALIOTTA: The only place is at the center of the only little patch of the grass I have in the back yard.

MR. KANE: All right, thank you. Do you have a door coming off the back of your house onto the deck?

MR. PALIOTTA: Yes.

MR. KANE: If the deck wasn't there, it would be a safety hazard?

MR. MC DONALD: Somebody would fall?

MR. PALIOTTA: Let me explain, I'm not sure I know what you mean.

MR. KRIEGER: How far off the ground?

MRS. PALIOTTA: The old deck has the door, the new deck there's no door.

MR. KRIEGER: How far off the ground is the old deck?

MR. PALTRIDGE: About 3 feet.

MR. KANE: If somebody walked out the door and there was no deck, they would fall approximately 3 feet?

MR. PALIOTTA: Yes.

MR. KRIEGER: Likely sustain serious injury?

MR. PALIOTTA: Right.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Make a motion that we approve the Paliotta's requested variances for the rear yard setback and the side yard setback for their existing shed at 9 Guernsey Drive.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

KENNETH & MAUREEN SMITH (#03-37)

Mr. Kenneth Smith appeared before the board for this proposal.

MR. KANE: Request for 11 ft. rear yard setback for proposed deck at 9 Cresthaven Drive in an R-4 zone.

MR. SMITH: Yes, I'm Ken Smith and I own the property 9 Cresthaven Drive. And what I currently have is 3 steps to a small platform in the back of my residence. Unfortunately, the back of my house is 40 feet to the property line and I'd like to add a small deck in the back, replace the small platform and the three steps but I need a variance to make any addition off the back of my house.

MR. KANE: Do other homes in your neighborhood have decks?

MR. SMITH: Not that I've seen within five or six houses there are no decks. On the other side of the street there are decks.

MR. KANE: The deck you're proposing, would it be bigger in size than other decks you've seen around?

MR. SMITH: No, this would be a small deck.

MR. KANE: Would you be creating any water hazards or runoffs with the building of the deck?

MR. SMITH: No.

MR. KANE: Cutting down any trees or substantial vegetation?

MR. SMITH: No, it's right off the back of the house.

MR. KANE: And obviously walking out the door from the

back of your house without a deck there or those steps would be a safety issue?

MR. SMITH: It's about 2 1/2 feet off the ground.

MR. KANE: Thank you.

MR. REIS: No municipal easements in the back of your home where you're planning to do this?

MR. SMITH: No.

MR. KANE: So after the proposed deck is up, you're going to have 29 feet?

MR. BABCOCK: That's correct.

MR. KANE: To the back?

MR. SMITH: Yes.

MR. KANE: What's the total size of the deck?

MR. SMITH: It will be 8 feet from the house, it will be 12 foot wide, so it's going to be 8 feet from the house plus the stairs will head towards the property line.

MR. KANE: At this point, I'll open it up to the public, ask if anybody in the audience is here for this particular meeting. Seeing none, we'll close it, bring it back to the board.

MS. MASON: On August 19, 82 addressed envelopes containing the public hearing notice were mailed out with no responses.

MR. KANE: Gentlemen, any questions?

MR. RIVERA: Accept a motion?

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MR. KANE: Yes, I will.

MR. RIVERA: I make a motion that we grant Mr. Kenneth and Maureen Smith the requested 11 foot rear yard setback for the proposed deck at 9 Cresthaven Drive.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

JOSEPH & JO-ANNE DE CELESTINO (#03-41)

Mr. and Mrs. Joseph DeCelestino appeared before the board for this proposal.

MR. KANE: Request for 28 ft. rear yard setback for existing pool deck and 9.5 ft. side yard setback for existing shed all at 14 Cheddar Lane on a corner lot in a CL zone. Explain to us what you want to do.

MR. DE CELESTINO: What we did. We have a shed, we put a shed in the only place we could put it on the property because we have a corner in Butterhill, virtually have no back yard, used it on our side yard, and we have a deck going to the pool.

MR. KANE: How long has the deck and shed been in existence?

MR. DE CELESTINO: Deck probably 12 years.

MRS. DE CELESTINO: Thirteen, take it from me, fourteen.

MR. KRIEGER: Close enough.

MR. DE CELESTINO: And the shed probably 10.

MRS. DE CELESTINO: Twelve.

MR. KANE: Approximately 9, 10, 11, 12 years old. The deck and shed, any complaints formally or informally about either deck or the shed?

MR. DE CELESTINO: Never.

MR. KANE: The sizing of the deck and the shed similar to in nature and appearance to other decks and sheds in the neighborhood?

MR. DE CELESTINO: Absolutely.

MR. KANE: Any water hazards, runoffs from it?

MR. DE CELESTINO: No.

MR. KANE: Cutting down any trees?

MR. DE CELESTINO: There were no trees.

MR. KANE: At this point, we'll open it up to the public and I'll ask if there's anybody here in the public for this particular meeting?

MR. KRIEGER: Over top any easements?

MR. DE CELESTINO: No easements.

MR. KANE: Seeing no one here, I'll ask Myra about the, I'll close the public portion of the hearing and bring it back to Myra.

MS. MASON: On the 19th day of August, 51 addressed envelopes were mailed out, no responses.

MR. REIS: What brings you to the ZBA?

MR. DE CELESTINO: We're looking to possibly sell our home.

MR. KANE: Were there any easements running through your property?

MR. DE CELESTINO: No, none at all.

MR. KANE: Gentlemen?

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

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MR. REIS: Make a motion that we grant the DeCelestinos their requested variances at 14 Cheddar Lane.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MURPHY, WILLIAM (#03-38)

Mr. William Murphy appeared before the board for this proposal.

MR. KANE: Request for 23 ft. rear yard setback for proposed deck and request for 8 ft. side yard setback for existing shed at 434 Philo Street in an R-4 zone.

MR. MURPHY: I'm looking to put a grade level deck in the back of the house. The property is 100 by 100 and where my house, the deck's going to be about 18 x 21 dimension so we're looking to get the variance for the area, the deck is pre-existing, when we bought the house, we confirmed with the building department that it didn't have a C.O. so we're just trying to straighten that out.

MR. KRIEGER: How long have you owned the house?

MR. MURPHY: We bought the house in January, 2002.

MR. KANE: The shed similar in nature and appearance to other sheds in the neighborhood?

MR. MURPHY: It's pretty much identical to most sheds.

MR. KANE: Do you know of any complaints formally or informally about the shed?

MR. MURPHY: There have been none, no.

MR. MC DONALD: Not over any easements?

MR. MURPHY: No, there are no easements there.

MR. KANE: For the proposed deck, are you going to be cutting down any trees or substantial vegetation?

MR. MURPHY: No, it's an open back yard.

MR. KANE: Any existing doorways coming out to the deck?

MR. MURPHY: There's a sliding glass door, it's at grade level so it's not a hazard of any kind.

MR. MC DONALD: Maybe they can trip coming out?

MR. MURPHY: Trip going back in.

MR. KANE: And the deck itself, the proposed deck itself is going to be similar in size to other decks in the neighborhood?

MR. MURPHY: It will be, yes.

MR. KANE: Okay, at this point, we'll open it up to the public and ask if anybody's here for the Murphy hearing? Nobody? We'll close the public like portion and refer to Myra.

MS. MASON: On August 20, 71 addressed envelopes were mailed out containing the notice of public hearing, no responses.

MR. KANE: I'll ask the board do you have any further questions?

MR. MC DONALD: Accept a motion?

MR. KANE: Yes, I will.

MR. MC DONALD: Motion that we grant the request of Mr. Murphy for his 23 foot rear yard setback for the proposed deck and his request for 8 foot side yard setback for his existing shed at 434 Philo Street.

MR. REIS: Second it.

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ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

HIGHVIEW ESTATES OF O.C. (#03-40)

Mr. Robert Biagini appeared before the board for this proposal.

MR. KANE: Request for use variance to permit single family dwelling at Route 207 and Kings Road in an OLI zone. Anybody here for this meeting? Just going to ask you to sign your name and address so we have it for the stenographer. When we open it up to the public portion of the meeting, you'll be allowed to ask questions or present your views at that time, actually, just keep it as non-repetitive as possible. Thank you. Okay, sir.

MR. BIAGINI: I'm looking for a variance to construct a single family home in light of industrial building of some sort just figured that a single family home was more suitable for the area and in doing that, I need a use variance. The property is zoned for industrial and some type of storage building or what have you, but I just figured with a new housing development coming across the street that this would be more for a single family home.

MR. KANE: There are five areas that you have to cover under the use variance, are you prepared to address each of those five things?

MR. BIAGINI: Yes.

MR. KANE: Would you do that?

MR. BIAGINI: I had to have it faxed over, it wasn't ready as of 3 o'clock this afternoon, it was confusing the format you gave me on all the stuff that was laid out on it, I just, so I had my attorney fill it out and he was going to fax it over but he didn't get a chance to.

MR. KANE: Okay. What form is he filling out?

MR. BIAGINI: Andy gave me a form, not a form, a letter, the hardships that I have to address.

MR. KANE: So he was going to address those for you?

MR. BIAGINI: That letter's kind of confusing to me as well as other people that I had read it.

MR. KANE: Are you prepared this evening to go forward with this without that in your hand to present to us?

MR. BIAGINI: Sure, I guess.

MR. KANE: You're sure cause we can postpone, you have to address each one of these things, including the financial statement. We can proceed and get everything that we can on the record now and it would be up to you to put a few, ask to put a delay on the vote on it and we can reopen it at a later date so you can get your information. Because if you get turned down here, you've got a delay time before you can reapply, if I have that correct.

MR. BABCOCK: That's correct.

MR. BIAGINI: What's the delay time?

MR. KANE: I believe it's six months. So if you want, we can proceed with the hearing right now and get all the information we can, the public, we can hear from you and hear from them and we can table the motion until you can come back with the proper information if that's agreeable to you, that's your decision.

MR. BIAGINI: Okay.

MR. KANE: So we'll go ahead and proceed and then we'll pick up after the public hearing, I'll open and close

the public hearing tonight, it will not be reopened for the next time but you'll be able to present your statement at that point. I welcome the public to come back at that point. Okay?

MR. BIAGINI: Fine.

MR. KANE: Okay, gentlemen, do you have some questions?

MR. REIS: Mr. Chairman, before we get into questions, I'd like to disclose that I in the past had a business relationship with his family, I've had business with them, although I'm not involved with this at this time, I just want to--

MR. KANE: Do you feel it will impair your ability to make a fair decision?

MR. REIS: No, just bringing it up.

MR. KANE: Thank you. So you want to put a proposed house on this piece of property?

MR. BIAGINI: Yes.

MR. KANE: And since we don't have your statement, it's kind of tough to ask some questions. Let's proceed this way, why don't I open this up for the public right now so we can hear what their concerns are, if they have any questions of you, so you can answer that and we'll proceed from there. So at this point, I'll open it up to the public portion, if you'd like to just stand up, speak clearly, ask whatever questions, state your name and address.

MR. MERCADO: Carlos Mercado, 87 Kings Road. I'm just curious where the house is going to be built?

MR. KANE: Mike will show you the map.

(Discussion was held off the record)

MR. KANE: Was your question answered, sir?

MR. MERCADO: Yes, it was.

MR. KANE: Sir, your name and address for the record?

MR. LIGGIER: Mauricio Liggier, 93 Kings Road.

MR. KANE: And your questions were answered? Just wanted to see where the house was on the property?

MR. LIGGIER: Yes.

MR. KANE: Do you have any comments about a house being built even though it's not zoned for that?

MR. MERCADO: No, we have no problem, we'd rather have a house there than commercial property.

MR. LIGGIER: How big is the house going to be?

MR. BIAGINI: Twenty-eight hundred square feet.

MR. KANE: So we've answered your concerns this evening?

MR. MERCADO: Yes, thank you very much.

MR. KRIEGER: You realize if the board ultimately grants it that will be a condition of their granting it, you can't make it any bigger than that?

MR. BIAGINI: Right.

MR. KRIEGER: That's acceptable, correct?

MR. BIAGINI: Yes.

MR. BABCOCK: Why don't you go 3,000, we're saying 2,860, approximately, so if we went 3,000 square feet, I don't think the board is going to, it's on a 1.66 acre piece of property.

MR. KRIEGER: It will not exceed 3,000?

MR. BIAGINI: No.

MR. KANE: Are we talking what style home, bi-level?

MR. BIAGINI: Colonial.

MR. KANE: What they call colonial nowadays. At this point, I'll close the public portion of the hearing and thank you very much, bring it back to the board. Myra, mailings?

MS. MASON: On August 20, 12 addressed envelopes were mailed out containing the notice of public hearing and I had no responses.

MR. KANE: You've presented an environmental statement to the board?

MR. BIAGINI: Yes.

MR. KANE: You guys read that?

MR. RIVERA: Yes.

MR. KANE: Any questions on the environmental statement?

MR. MC DONALD: No.

MR. KANE: I'll entertain a motion to find a negative declaration on the environmental statement.

MR. MC DONALD: So moved.

MR. REIS: Second it.

MR. KRIEGER: There aren't any other involved agencies so--

MR. MC DONALD: So we're declaring a negative dec. I'll make that motion.

MR. REIS: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MR. KANE: Okay, sir, if you want at this point we'll ask the board if they would be willing to table this, that's up to you to ask us to do that or we can go to a vote, I'll leave that decision up to you to decide what you want to do.

MR. BIAGINI: Can you vote on it?

MR. KANE: You're sure?

MR. BIAGINI: All right, table it to the 22nd.

MR. KANE: Gentlemen, let me ask one quick question before we talk about this, you won't have a problem also if we limit the amount of building space we'll make it a requirement that it will be no bigger than 3,000 square feet?

MR. BIAGINI: No problem.

MR. REIS: In lieu of the fact that it seems to me that

it is a reasonable use for the property, I'd like to make it very plain and certain that the applicant realizes that he has to prove some hardship here and changing and reversing the zoning, okay, we understand that it's a reasonable use and we'd like to cooperate with you but you've got some issues that you have to bring forth, Bob.

MR. KRIEGER: Let me put it another way, it's not, in this case, it's not up to, solely up to the good will of the board members. There's criteria that have to be met according to the State, they didn't make them up, they didn't make them up here in the Town, they came from the State Legislature, they're an absolute requirement, even if the members of the board here are all in favor of your application, I don't know whether they are or not, it's up to them but even if they were, you'd still have to meet those criteria to pass muster, otherwise if the criteria are not met, then board member might feel that he has to vote against you even though he would otherwise be in favor of your application because of the legal requirements. That's the reason why the chairman extended to you the opportunity to ask that this matter be adjourned to the 22nd so that those criteria could be met with the information that you have requested to assist you that you apparently have not received yet.

MR. KANE: So your decision is to delay the hearing until our next meeting?

MR. BIAGINI: Yes.

MR. MC DONALD: Do you need a motion on that?

MR. KANE: Would you please?

MR. MC DONALD: I'll make a motion that we table this request until the 22nd to the next meeting.

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MR. MINUTA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MR. KANE: We'll see you at the next meeting.

FORMAL DECISIONS:

DALE CLARK - 03-22
CARMEN MONACO - 02-60
LUCY GILLMEIER - 03-17
JEFFREY STRINGER - 03-21
ROBERT MCKNIGHT - 03-27
JESUS & JOSEFA HERNANDEZ - 03-23
PLYMPTON HOUSE - 02-59
WILLIAM FARRELL - 03-20
JEAN LEWIS - 02-24
EUGENE SCARANO - 03-25

MR. KANE: We have a whole bunch of formal decisions,
10 formal decisions, how do you want to do it?

MR. REIS: I make a motion that we approve all the
decisions in bulk.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn?

MR. REIS: So moved.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE

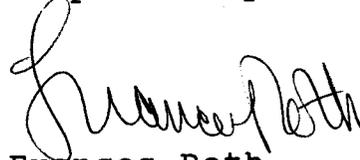
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MR. MINUTA
MR. KANE

AYE
AYE

Respectfully Submitted By:



Frances Roth
Stenographer

9/10/03